

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

Case Number: 5:10-cr-00065

V.

USM Number: 09227-088

AARRON ROBINETTE

Defendant's Attorney: Lex A. Coleman, AFPD

JUDGMENT IN A CRIMINAL CASE

THE DEFENDANT :

- ☒ pleaded guilty to a Single-Count Information.
- ☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §§ 1791 (a) (1) and 1791 (b) (5)	unlawfully and willfully provide to an inmate of correctional institution an object that threatens the order, discipline, and security of a prison, that is, a quantity of tobacco, a prohibited object	7/20/2008	One


The defendant is sentenced as provided in pages 2 through 5 of this judgment.

- ☐ The defendant has been found not guilty on count(s) _____.
- ☐ Count(s) _____ is(are) dismissed on the motion of the United States.

It is ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States Attorney of material changes in economic circumstances.

Date of Imposition of Judgment: April 13, 2010

Date Signed: April 15, 2010



R. Clarke VanDervort
United States Magistrate Judge

PROBATION

The defendant is hereby sentenced to a term of probation of : **Five years.**

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

Check if applicable:

- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon, except as may be required for his military obligations, in which event, they shall be stored away from defendant's residence.
- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.
- ☐ The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments page of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptance reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement or act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

ADDITIONAL PROBATION TERMS

1. A term of probation of five (5) years on the standard conditions of probation, and the following special conditions of probation pursuant to 18 U.S.C. § 3563 (b):.

A. Defendant shall serve a four month term of imprisonment in the custody of the Bureau of Prisons, to begin no later than 2:00 pm., April 19, 2010, subject to the following furloughs for military obligations:

1. From 10:00 a.m., May 7, 2010, to 5:00 p.m., May 10, 2010;
2. From 10:00 a.m., June 4, 2010, to 5:00 p.m., June 27, 2010; and
3. From 10:00 a.m., July 9, 2010, to 5:00 p.m., July 15, 2010.

The Court recommends that the Defendant be designated to the South Central Regional Jail in Charleston, West Virginia.

B. The Court understands that Defendant is a reservist and is expecting to be deployed overseas sometime after he completes his term of imprisonment. The Defendant shall contact the United States Probation Office in this district within 72 hours of his return to the United States from any overseas military deployment.

C. Within 30 days of the defendant's return to this district following the completion of his military deployment, the defendant shall notify the Bureau of Prisons of his return, report to a community corrections facility designated by the Bureau of Prisons, and shall reside there and participate in its programs for a term of three months. The Defendant shall be permitted to be furloughed for military obligations. The Court recommends that the defendant be designated to Dismas Charities, Inc., a corrections facility, located in Charleston, West Virginia.

D. Fine in the amount of \$3,400.00 shall be paid during the term of probation. Payment shall be considered a term and condition of probation. Payments shall be forwarded to the United States District Clerk's Office, Post Office Drawer 5009, Beckley, West Virginia 25802.

E. The Defendant shall not possess a firearm, destructive device, or other dangerous weapon, except as may be required for his military obligations, in which event, they shall be stored away from the defendant's residence.

F. The Defendant shall not seek employment as a correctional officer or law enforcement officer during term of probation.

G. Defendant's term of probation shall be held in abeyance while he is on military deployment outside of this district.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties as set out on the Schedule of Payments page.

	Assessment	Fine	Restitution
TOTALS:	\$ 10.00	\$3,400.00	

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
TOTALS:			

- ☐ Restitution amount:
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Page _____ may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that the interest requirement is waived for the fine.
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that the interest requirement is waived for the restitution.
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that the interest requirement for the fine is modified as follows:
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that the interest requirement for the restitution is modified as follows:

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- ☐ Lump sum payment of \$_____ due immediately, balance due no later than _____.
- ☐ Lump sum payment of \$_____ due immediately, balance due as set forth below:
- ☒ Special instructions regarding the payment of criminal monetary penalties:

Defendant shall pay a fine in the amount of \$3,400.00 and the special assessment in the amount of \$10.00 during the term of probation. Payments shall be forwarded to the United States District Clerk's Office, Post Office Drawer 5009, Beckley, West Virginia 25802.

Unless the court expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.